

## STAFF REPORT

**TO:** Hailey Planning and Zoning Commission  
**FROM:** Beth Robrahn, Planning Director *BR*  
**RE:** Subdivision Ordinance Amendment – Section 6.1  
**HEARING:** September 15, 2008

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**Note:** Staff analysis is in lighter type.

### Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on August 27, 2008.

### Proposal

Attached are amendments to Section 6.1 of the Subdivision Ordinance proposed by the City. These amendments would provide noticing procedures for lot line adjustments. Please see the attached page for the actual proposed language.

### Procedural History

A recent appeal of an administrative decision on a subdivision application involving a lot line adjustment brought to the Commission's attention the need for noticing lot line adjustment subdivision applications even though they are reviewed administratively.

### Standards of Evaluation

**Section 13.3.1.a The Commission shall consider the relationship of the proposed amendment to the Comprehensive Plan in making its recommendation to the Council.**

The Commission may wish to consider how the proposed amendments relate to the various policies and implementation items of the following components of the Plan.

#### **5.8 Due Process and Public Input**

**Goal: To develop clear land use and development procedures that protect the public welfare for all development.**

**3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.**

### Summary

The Commission shall **recommend**, with **findings**, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.

### Motion Language

Motion to recommend the City Council approve the proposed amendments to Section 6.1 establishing a noticing procedure for lot line adjustment subdivision applications, finding that the amendments are in accordance with the Comprehensive Plan.

**HAILEY ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 6.1, TO ESTALBISH NOTICING PROCEDURES FOR LOT LINE ADJUSTMENT APPLICATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

WHEREAS, the proposed amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 6.1 of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language

6.1 Developers making an application for the adjustment or elimination of a lot line or lines shall be required to file a preliminary plat with the Administrator for review. Upon a finding by the Administrator ~~or Hearing Examiner~~ that the plat conforms to the definition of a Lot Line Adjustment ~~and the Administrator shall place public notice of the application in a newspaper of general circulation, and to owners of property located within three hundred (300) feet of the boundaries of the proposed subdivision, and all easement holders within the subject property. The applicant shall provide the mailing addresses of all property owners within 300 feet of the outer boundaries of the parcel proposed for adjustment. Such notice shall inform adjacent property owners they may comment on the application during a period of fifteen (15) days after the post mark of the notice. Following expiration of the comment period, and upon a finding by the Administrator that the plat is in compliance with the provisions of this Ordinance, the Administrator or Hearing Examiner may approve, or conditionally approve, the preliminary plat. Thereafter, the Developer shall submit a final plat, to be drawn in compliance with the requirements of this Ordinance, to the Administrator for final review. The Administrator shall inform the City Clerk of final approval in writing prior to signature of the plat sheets for the purpose of recordation.~~

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND  
APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

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Rick Davis, Mayor, City of Hailey

Attest:

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Mary Cone, City Clerk